

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
IN ADMIRALTY
7:15-MC-5-JG

In re OCEANIC ILLSABE LTD, as Owner,)
and OCEANFLEET SHIPPING LTD, as)
Operator of the M/V OCEAN HOPE)

ORDER

This case comes before the court on: (1) the emergency petition (“the petition”) (D.E. 1)) by Oceanic Illsabe Ltd., Owner of the M/V Ocean Hope, and Oceanfleet Shipping Ltd., Operator of the M/V Ocean Hope (collectively “petitioners”) to authorize depositions to perpetuate the testimony of eight foreign crewmembers of the M/V Ocean Hope pursuant to Fed. R. Civ. P. 27(a) and/or Fed. R. Crim. P. 15; and (2) petitioners’ motion for expedited proceedings (“motion to expedite”) (D.E. 3) on the petition, including shortening the 21-day notice period prescribed by Rule 27(a)(2) for the hearing on the petition. Both the petition and motion to expedite were filed on 14 October 2015. The court held a telephone conference on them on 15 October 2015 with counsel for petitioners, the government, and all but three of the proposed deponents. (*See* D.E. 8). The principal issues discussed were whether expedited proceedings are warranted and whether the petition is contested.¹

After consideration of the petitioners’ filings and the arguments presented during the telephone conference, the court finds that petitioners have failed to demonstrate that expedited proceedings are warranted. In particular, there was no allegation or showing that any of the proposed deponents presents a flight risk. The government plausibly argued that expedited proceedings would be prejudicial to it. The motion to expedite will therefore be denied.

¹ In addition, the government suggested that this case be reassigned. Appropriate inquiry has shown no basis for reassignment.

As to whether the petition is contested, the government stated that it had not had sufficient time to determine whether or not it would oppose it, but challenged a number of points asserted in petitioners' filings. Counsel for the proposed deponents did not state a position. The court concludes that additional briefing and a hearing on the petition are necessary.

IT IS ACCORDINGLY ORDERED as follows:

1. Petitioners' motion to expedite (D.E. 3) is DENIED.
2. Petitioners shall file by 23 October 2015 a supplemental memorandum of law in support of the petition addressing matters raised during the telephone conference, including but not limited to, specification of the subject matter of each proposed deposition. Petitioners shall file with their supplemental memorandum a proposed court order on the petition.
3. Petitioners shall file by 30 October 2015 proof of service of the petition on the government and the proposed deponents in accordance with Fed. R. Civ. P. 27(a)(2) (requiring service under Fed. R. Civ. P. 4).
4. Any response to the petition from the government or any proposed deponent shall be filed by 6 November 2015.
5. Petitioners may file by 13 November 2015 a reply memorandum.
6. The court will hold a hearing on the petition on 19 November 2015 at 2:30 p.m. in the Sixth Floor Courtroom of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

The Clerk is DIRECTED to serve today a copy of this Order by electronic mail on counsel for the government and each proposed deponent. (*See* Cert. of Service with Pet. (D.E. 1 at 18-19) (listing email addresses for such counsel)).

This 16th day of October 2015.



James E. Gates
United States Magistrate Judge